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FISCAL IMPACT STATEMENT

LS 6748

BILL NUMBER: SB 267

NOTE PREPARED: Dec 27, 2005

BILL AMENDED:

SUBJECT: Court Determination of Treatments for Defendants.

FIRST AUTHOR: Sen. Miller

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill provides that before accepting a guilty plea or sentencing a person for a felony or misdemeanor, a court may conduct a hearing to obtain the opinion of a mental health professional concerning: (1) whether the person has a mental illness, an addictive disorder, or a developmental disability; and (2) the appropriate treatment for the person.

Effective Date: July 1, 2006.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Appointing a licensed or certified mental health professional may increase the costs to the county, depending on the number of cases where criminal defendants are likely to have either an addictive disorder, a mental illness, or a developmental disability.

Background Information: In criminal law, testimony is used to determine whether a person is guilty or innocent of the criminal charge issued by the prosecuting attorney. If the person is determined to be guilty of a criminal charge, then the court determines whether the person should be incarcerated and what the proper length of incarceration should be. The guilt or innocence and sentencing phases occur at different hearings.

Under current law, a certified mental health professional can be called as an expert witness to determine a defendant's state of mind and blameworthiness for the stated charges. The testimony of the expert witness can

be challenged by the opposing attorney.

As proposed, the court could appoint a certified or licensed mental health professional to testify after a determination of guilt or before accepting a guilty plea about the appropriate treatment for the defendant.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts.

Information Sources: Peter Bisbecos, Director, Division of Disability and Rehabilitative Services, Family and Social Services Administration.

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